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SENATE JOINT RESOLUTION NO. 9

(As Amended by Senate Amendment No. 1)

WHEREAS, Illinois now holds the distinction of being first in the nation in the number of people exonerated by DNA evidence in non-capital cases; and

WHEREAS, Illinois has made great strides in identifying and attempting to address the causes of wrongful convictions in capital cases, but has not extended systemic reforms to non-capital cases; and

WHEREAS, The incarceration of an innocent person not only works an injustice against that individual, but also harms society in that the real perpetrator of a crime remains free and able to commit additional criminal acts; and

WHEREAS, Wrongful convictions result in an erosion of public confidence in the judicial system; and

WHEREAS, The Appellate Courts review cases only for procedural error and do not provide a forum for presenting claims of actual innocence; and

WHEREAS, Defendants in non-capital cases do not have the right to counsel on post-conviction, that stage of proceedings

1 in which new evidence supporting a claim of actual innocence
2 can be presented, and therefore are unable to effectively
3 present such a claim; and

4 WHEREAS, Defendants against whom the death penalty is not
5 pursued, or for whom the death penalty has been taken off the
6 table, do not have the resources available to adequately defend
7 themselves; therefore, be it

8 RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL
9 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
10 CONCURRING HEREIN, that there is created the Illinois Justice
11 Study Committee, hereinafter referred to as the Committee,
12 consisting of 17 members, and appointed as follows:

13 (1) Three members appointed by the Governor;

14 (2) Three members appointed by the President of the
15 Senate;

16 (3) Two members appointed by the Minority Leader of the
17 Senate;

18 (4) Three members appointed by the Speaker of the House
19 of Representatives;

20 (5) Two members appointed by the Minority Leader of the
21 House of Representatives;

22 (6) One member appointed by the Cook County State's
23 Attorney;

24 (7) One member appointed by the Office of the Cook

1 County Public Defender;

2 (8) One member appointed by the Office of the State
3 Appellate Defender; and

4 (9) One member appointed by the Office of the State's
5 Attorneys Appellate Prosecutor; and be it further

6 RESOLVED, That the appointed members shall be from diverse
7 backgrounds so as to reflect the diverse citizenry of Illinois;
8 and be it further

9 RESOLVED, That the Committee shall review all non-capital
10 wrongful conviction cases that have been resolved as of the
11 effective date of this resolution and which resulted from DNA
12 testing; a pardon granted on the basis of actual innocence; and
13 dismissal of charges or acquittals upon a retrial based on
14 relief granted by either the Illinois Appellate or Supreme
15 Courts, or the federal District, Court of Appeals, or United
16 States Supreme Court; and be it further

17 RESOLVED, That the Committee shall review any other
18 relevant material, identify the most common causes of wrongful
19 convictions in non-capital cases, identify current laws, rules
20 and procedures implicated in each type of causation, and
21 identify solutions through research, experts, public hearing,
22 and any other source the Committee deems appropriate; and be it
23 further

1 RESOLVED, That the Committee shall consider rules,
2 procedures, educational, and legislative reforms that can aid
3 in eliminating future wrongful convictions; and be it further

4 RESOLVED, That the Committee shall consider whether the
5 State of Illinois should put into place a procedure for
6 addressing claims of factual innocence prior to appellate
7 review of a conviction; and be it further

8 RESOLVED, That the Committee shall do a cost analysis of
9 wrongful convictions; and be it further

10 RESOLVED, That the Committee shall elicit voluntary
11 assistance from educational, legal, civic, and professional
12 organizations and institutions as well as notable individuals;
13 and be it further

14 RESOLVED, That the Committee shall submit its final report
15 to the Governor and the General Assembly on or before December
16 31, 2008.